

Rockford Historic Preservation Commission

December 14, 2010 — 6:00 PM

Present: Janna Bailey, Maureen Flanagan, Mark McInnis, Scott Sanders, David Hagney, Doug Mark

Absent: Vickie Krueger

Staff: Jessica Roberts Historic Preservation Secretary, Brian Eber

Other: Brad Alms, Joe Derr, Steven Derr, Mike Tiburtini, Attorney Doug Henry

Approval of Minutes

A **MOTION** was made by Mark McInnis to **APPROVE** the minutes of the November 9th meeting as presented. The **Motion** was **SECONDED** by Alderman Doug Mark and **CARRIED** by a vote of 6-0.

New Business

Certificate of Appropriateness

315 South 3rd Street Garage Demolition & Garage Construction

Ms. Roberts, Rockford Historic Preservation Secretary, described the application. The applicant was asked if the building was still remaining. Joe Derr stated yes the structure was still remaining. David Hagney asked whether it was a fire that destroyed the structure. Joe Derr answered yes. Scott Sanders read off the proposed application and asked about the proposed demolition and reconstruction. Mr. Derr stated that the proposed structure will be similar to what it was previously, but not as big and not as tall. Scott Sanders asked if the same windows would be used. Joseph Derr stated that he plans to salvage the windows and reuse them on the new structure. Mr. Sanders inquired about the sliding door. Joseph Derr responded that the door would be a regular over door. Mr. Derr stated that it would be sectional. Mark McInnis asked if he had a structural engineer look at the building. Joe Derr stated that he had his friend Gary Anderson look at the structure and he said that the cost to have it redone would be high. The entire roof would have to come down according to Mr. Derr; he added that it was not connected at the top and that he was worried that it will collapse. Ms. Roberts provided a memo to the commission from the Building Inspector and Code Official that did the inspection. Alderman Mark stated that the house had a pretty good fire from what he can recall historically. Joseph Derr told the commission that the house had two fires previously and now the garage has had two fires. Scott Sanders stated that if it was mine I would want to pursue the same course of action. He stated that he felt as those this case was one of the better cases for demolition and that he was generally pleased with the proposed reconstruction. He asked if the material proposed for the siding is to match details and finishes of the home whenever they can. Mr. Derr stated yes. David Hagney asked whether the over head door faces the north and whether it was visible from the street. The commission stated that they had concern with the door and asked if it can be made to look as if it would open like a carriage house door but does slide up. Mark McInnis stated that a demolition is not permitted in historic districts unless the following exists, he stated that the one most closely relates to the application is that the building official determines that the demolition is required due to unsafe and dangerous condition. He added that the submitted memo contradicts those criteria. Mr. Derr stated that he is in disagreement with that determination due to sag at ground level. He added that the foundation is deteriorated. Steven Derr referenced the foundation in a picture provided and pointed out the collapsing of the foundation. Alderman Mark stated that it looks as if there is pretty extensive damage to the structure. Mr. Hagney stated that looking at the photographs I would say it would be difficult to rebuild and you would need to start from scratch, whether it is structurally unsound that is a different question. Steven Derr said that the fire official there stated that it was one of the more intense fires they had scene. Mr. Hagney asked that applicant whether he had insurance. Mr. Derr stated that the insurance would want him to take it down.

The commission decided to separate the application into two motions to address the demolition and then to address the reconstruction of the garage.

A **MOTION** was made by David Hagney to approve the demolition of the accessory garage at 315 South 3rd Street. The Motion was **SECONDED** by Alderman Doug Mark and **CARRIED** by a vote of 5-1, Mark McInnis opposed.

Mr. Hagney stated that he wanted to make sure it gets built the way the commission wants to approve the reconstruction. Therefore they decided to lay the item over to acquire additional detailed information including architectural drawing, photographs of what the details will be like, and especially detail on the door. Scott Sanders stated that he would like to be sure of the roof material that the asphalt shingles that are proposed are to be the same as the house or will match as closely as possible.

A **MOTION** was made by David Hagney to lay over the item for reconstruction of the garage at 315 South 3rd Street to the January meeting, until more specific drawings are submitted. The Motion was **SECONDED** by Janna Bailey and **CARRIED** by a vote of 6-0.

Ms. Roberts, Rockford Historic Preservation Secretary, stated that she would like to mention for the record that a building permit can not be issued for the demolition until a certificate and building permit is acquired for the reconstruction of the detached accessory garage along with a building permit for such.

619 Oak Street Roof Replacement

Mr. Alms showed the commission the sample of the roof. After a short discussion the Commission concluded that the application was straight forward.

A **MOTION** was made by David Hagney to **APPROVE** certificate for roof replacement at 619 Oak Street. The Motion was **SECONDED** by Mark McInnis and **CARRIED** by a vote of 6-0.

Old Business

Certificate of Appropriateness

409-415 Kishwaukee Street Demolition

Ms. Roberts referenced the timeline and presented that to the Commission for any questions or comments. Seeing none at this time Ms. Roberts stated that it was heard the previous month and laid over for additional information, specifically a more detailed site plan which was included in the packet. Ms. Roberts stated that the applicant, Mike Tiburtini provided the site plan and indicated that arborvitae would be planted and the size 3 to 4 foot tall arborvitae. Ms. Roberts mentioned that she had stated her concern to the applicant with regards to the paved area and the proposed landscaping on the adjacent property. Scott Sanders asked the applicant if he knew the paved area was on the adjacent property. Mr. Tiburtini stated that he was not aware of that until he obtained the site plan. Mr. Sanders asked if he had spoken with the adjacent property owners at this time. The applicant stated that he had attempted to do so but had not been able to reach the owners. Doug Henry, the attorney for the applicant, stated that the adjoining property is listed for sale and they submitted a letter requesting authorization to place the landscaping on the adjoining property. They are hoping to hear back from the property owner on this matter. Mr. Sanders asked whether the applicant would agree to the 6 foot arborvitae, Emerald Green. Mr. Tiburtini stated that they would comply with that. Attorney Henry stated that he does not know what type of agreement it would be to put the landscaping on the property but that he would anticipate possibly purchasing a portion of the property to do so. Some discussion was made with regard to a possible easement or property purchase on the adjacent property. After some discussion Alderman Mark asked Mr. Sanders whether he would like to make a motion specifically referencing the size of the arborvitae and the species. Mr. Sanders said yes. Mr. Sanders stated that before he made the motion he would like to see if they could get a consensus on how to handle the landscaping on the adjacent property. Mr. McInnis stated that he would like to address the issue of the garage being demolished and the applicant getting the permit after the fact. Mr. McInnis asked what the status was with the legality of the issue at hand. Ms. Roberts stated that the timeline was requested last month and was submitted in order to address

the questions they had last month with regards to the demolition prior to permitting. Mr. McInnis stated that he would be more comfortable if legal counsel was in attendance to answer his question (he wanted to know what the rest of the commission would say of the situation, what is the outcome or result of the demolition prior to permitting). Mr. Sanders stated that he doesn't know if there is any recourse at this time. Scott Sanders added that if Legal would like to take the matter up in court then he feels they can do so and that this is a separate from that issue. Scott Sanders asked if it was agreeable to wrap up the redevelopment issue separate from the legal issue of demolishing the structure prior to obtaining a certificate of appropriateness. Mr. McInnis stated yes. Maureen Flanagan had a question on the timeline. She asked about the August 6th entry the notes referenced in the time-line provided by Secretary Roberts. The time-line stated that inspector Werbicki noted on his paper work that he observed that the garage had appeared to be demolished years ago. Ms. Roberts stated that the all though the inspector did note that the garage had appeared to be demolished years ago, it was only an observation on the part of the inspector, and that it does not necessarily mean that it was the case. The applicant testified that the garage had been demolished in June of this year. Mr. Sanders stated that the timeline indicates that on August 11th a building permit was applied for and issued. Scott Sanders stated that he would like to acknowledge that things were muddled in part by the City as well. He added that it was an atypical path that brought us where we are today with this subject.

A **MOTION** was made by Scott Sanders to **APPROVE** the application for certificate of appropriateness to demolish the detached garage at 409-415 Kishwaukee Street along with the submitted site plan indicating the planting of 6 foot arborvitae, Emerald Green continuous in the space existing between to the two garage structures and wrapping around the 20 foot dimension of the previous garage as well. The Motion was **SECONDED** by Alderman Doug Mark.

Discussion was made. Mr. Hagney asked to clarify that the motion was to approve the demolition. Mr. Sanders stated yes, that is correct. Mr. Hagney stated that he would like to make an amendment to the motion to remove the demolition as a separate issue. Mr. McInnis seconded that amendment. Mr. Sanders stated then there is no application with that amendment. Mr. Hagney stated that they would be approving the landscaping or site work. Mr. Sanders stated that the landscaping is only there because of the demolition and asked how the commission separates that. Mr. Hagney stated that it was like separating out the last motion for the garage reconstruction on 3rd Street. Mr. Sanders stated that it no longer a question of whether they are approving the demolition or not. The garage is gone, the fact is whether we take punitive action on the matter or not. Mr. Sanders stated as part of a demolition application you submit a site plan for what you will do with the property once demolished. The applicant did that. The landscaping requirement is part of the request at this time. Mr. Sanders stated yes, it is happening out of order but the site plan with the landscaping is what he was making a motion to approve. Mr. McInnis stated that he is in disagreement with that because David Hagney made the demolition of the garage and the site improvements two separate items. Mr. Hagney stated if the Commission votes no against the demolition then the landscaping and improvements are a moot point. Mr. Hagney stated that his concern is setting a precedent by voting in favor of the demolition. Ms. Roberts explained that because the previous application on South 3rd Street applied for a demolition and it was approved, a separate application should have been made for the reconstruction of the new garage. Therefore in that case she would recommend a separate certificate for the reconstruction of the detached garage on South 3rd Street. Landscaping and such is not something that is subject to a certificate in this case it is directly connected with the demolition application. Ms. Roberts went on to explain the criteria for the demolition of the structure and asked that the Commission follow that criteria as if the garage was still intact. Janna Bailey stated that they have no way of knowing whether the garage met those criteria or not because it is gone. David Hagney clarified is motion and asked Mr. Sanders whether he would consider an amendment to his original motion.

Mr. Sanders stated that he would amend his motion to recommend approval of restoration efforts proposed for the area resulting from the previous demolition of the garage structure. The final motion was as follows:

APPROVE the application for certificate of appropriateness to demolish the detached garage at 409-415 Kishwaukee Street along with the submitted site plan indicating the planting of 6 foot arborvitae, Emerald Green continuous in the space existing between to the two garage structures and wrapping around the 20 foot dimension of the previous garage as well. (Amendment reading) Recommend approval of restoration efforts proposed for the area resulting from the previous demolition of the garage structure. A **SECOND** was made by Alderman Doug Mark.

Mr. Sanders stated that he feels that fines or punitive damage for the result of the demolition is a separate issue from the approval of the application for Certificate of Appropriateness. Mr. McInnis said that he feels that there are a number of Commission members that do not want to be on record for approving the demolition. Mr. Sanders stated that demolishing and rebuilding a structure is somewhat different than the case at hand which is demolishing and refurbishing the site. Ms. Roberts stated that for the landscaping, a certificate would not be necessary where as for a structure reconstruction would. Mr. McInnis stated that if they felt there were some fines that could be levied against the case and we vote to approve the demolition then that could hurt our case and set a precedent. Alderman Mark stated that those are two separate issues and there was already an acknowledgment that the demolition was done improperly. Alderman Mark stated that he feels even though a certificate is issued for the demolition after the fact; if the Commission chooses to proceed with the case legally they can still do that.

Mr. Sanders stated that his original motion stands the way he originally proposed as follows:

APPROVE the application for certificate of appropriateness to demolish the detached garage at 409-415 Kishwaukee Street along with the submitted site plan indicating the planting of 6 foot arborvitae, Emerald Green continuous in the space existing between to the two garage structures and wrapping around the 20 foot dimension of the previous garage as well. The Motion was **SECONDED** by Alderman Doug Mark.

The motion **FAILED** with a 3-3 vote, Janna Bailey, David Hagney, and Mark McInnis opposed.

Maureen asked what the Commission would ask that the applicant do. Mr. McInnis stated possibly rebuild, but he does not know. Discussion was made by the Commission and there was not determination on what to do at this time or what to tell the applicant to do. David Hagney stated that they need to consult with Legal at this point.

Mr. Sanders directed staff to refer the application to Legal and have the applicant confer with Legal as to how to proceed with the case now.

Staff Report

Presentation of the West State Corridor Project - Public Works

A presentation was given by Brian Eber of the Public Works Department on the West State Street Corridor Project. Mr. Eber explained the timeline for the project along with the areas that initiated the project. He added that they looked at ways to shift the roadway and he added the previously they had to get approval and seek approval from the federal highway administration. He added that with the park area, the green space proposed is attempting to create art through open space. Mark McInnis stated that he was gathering from the presentation, a couple pieces that have come before the property. I would like to see what is being torn down and how it relates to the plan. Brian Eber stated that it totaled 56 properties located on both side the street from Avon to Pierpont. Mark McInnis asked how wide the ROW is. Brian answered 250 feet with both sides, approximately 600 feet with limited access to State Street. Brian Eber concluded that construction is slated for fall of 2011, to be finished in 2013 with the substantial park construction in 2012.

Other

Review and Approval of 2011 Meeting Schedule

The meeting schedule was reviewed by the Commission.

A **MOTION** was made by Scott Sanders to **APPROVE** the 2011 Meeting Schedule as presented. The Motion was **SECONDED** by Mark McInnis and **CARRIED** by a vote of 6-0.

Motion made by Scott Sanders to adjourn the meeting of December 14, 2010. The Motion was **SECONDED** by Mark McInnis and **CARRIED** by a vote of 6-0.

The meeting was adjourned at 7:20 p.m.

Submitted by Jessica Roberts, Rockford Historic Preservation Secretary